



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

JERRY LEWIS BOYD,  
Plaintiff,

vs.

LINDA M. MCNABB et al.,  
Defendants.

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CIVIL ACTION NO. 4:09-2176-HFF-TER

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ORDER

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This case was filed as a 42 U.S.C. § 1983 action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the motion for summary judgment filed by Defendants Bearden and McNabb (doc. #34 ) be granted, the motion to dismiss filed by Defendants Koon and Walsh (doc. #20) be granted, Defendant Woods be dismissed under Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff's motion for default judgment (doc. #12) be denied, and all outstanding motions be deemed moot. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 26, 2010, and the Clerk of Court entered Plaintiff's objections on August 17, 2010. The Court has reviewed those objections, but finds them to be without merit. Therefore, the Court will enter judgment accordingly.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of the Court that the motion for summary judgment filed by Defendants Bearden and McNabb (doc. #34 ) be **GRANTED** as to Plaintiff's federal claims, the motion to dismiss filed by Defendants Koon and Walsh (doc. #20) be **GRANTED** inasmuch as the claims are dismissed without prejudice, Defendant Woods be **DISMISSED** without prejudice under Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff's motion for default judgment (doc. #12) be **DENIED**, and all outstanding motions be deemed **MOOT**.

The Court declines to exercise supplemental jurisdiction over any state claims. Therefore, those claims are **DISMISSED** without prejudice so that Plaintiff can pursue them in state court if he wishes to do so.

**IT IS SO ORDERED.**

Signed this 26th day of August, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.